

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Gregory W. Schad et al.	Docket:	DU-041-US-01
Serial No:	10/729,116	Filing Date:	12/05/2003
Examiner:	Bernard Lipman	Customer No.	27091
Group Art Unit:	1713	Confirmation No.	3190
Title:	POLYMER GROUT COMPOSITIONS		

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Attention: Office of Petitions
Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 Facsimile Number 703-872-9306

PETITION UNDER 37 CFR 1.313(c)(2)

This is a petition for withdrawal from issue of the above-identified application after payment of issue fee.

Applicants received the PCT search report containing references they wish to be considered in the above referenced application on April 21, 2005 (date of mailing April 19, 2005). However, Applicants inadvertently paid the issue fee on April 26, 2005 prior to submitting the references.

RELIEF REQUESTED

Based on the above, Applicants respectfully request that the case be withdrawn from issuance for consideration of the Request for Continued Examination under 37 CFR 1.114. It is respectfully requested that the relief sought by this petition be granted, in order to allow consideration of the references cited in the Supplemental IDS, which is being submitted along with the RCE.

The commissioner is hereby authorized to charge the Petition fee of \$130, required under 37 CFR 1.17(h) to Deposit Account No. 06-2241.

CERTIFICATE OF TRANSMISSION

I hereby certify under 37 CFR §1.18(a) that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office. Fax Number (703) 872-9306 on 05/02/2005.

Signature

Julie Post

Typed or Printed Name of Person Signing Certificate

05/04/2005 CNGUYEN 00000062 062241 10990134

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PAGE 3/5 * RCVD AT 5/2/2005 5:04:59 PM (Eastern Daylight Time) * SVR:USPTO-EFXXRF-1/8 * DNIS:8729306 * CSID:651 236 5126 * DURATION (mm-ss):01-50

Adjustment Date: 05/26/2005 CNGUYEN
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Please charge any additional fees owing or credit any over payment to Deposit
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5/2/05
Date

Respectfully submitted,

Kirsten K Stone

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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/729,116
Filing Date	12/05/2003
First Named Inventor	Megyn W. Schach, et al.
Art Unit	1713
Examiner Name	Bernard Lipman
Attorney Docket Number	DU-041-US-01

Enclosed is a petition filed under 37 CFR 1.313(c)(2) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(f), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 06-2241.
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.298 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.958 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.23 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.18(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Kirsten K. Stone
Signature

Kirsten K. Stone
Typed or printed name

5/2/05
Date

42,129
Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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